ment had promised to take only Rs. 3 crores, it was not clear why they should have gone against that promise and taken Rs. 4 crores.

THE DEWAN replied that there was no undertaking of the kind.

MR. HOSAKOPPA KRISHNA RAO again said that the financial statement signed by the Financial Secretary clearly stated that the Government would take only Rs. 3 crores. When the budget policy was placed before the constitutional assemblies and approved by them, he did not see why Government should have gone against it.

THE DEWAN replied that the question of the amount of a loan was not placed as a separate proposition either before the Legislative Council or the Representative Assembly. It was considered advisable to borrow a sum of about Rs. 4 crores for meeting capital requirements and the limit was accordingly raised.

MR. HOSAKOPPA KRISHNA RAO said that he did not agree to that principle. The Interest and Sinking Fund charges on the Rs. 3 crores would be about Rs. 60 lakhs and by increasing the loan by a crore, an additional burden of about Rs. 6 lakhs would be thrown on the tax-payers.

THE DEWAN said that it was not so as already explained by the Financial Secretary.

REPRESENTATIONS—(*Contd.*)

No. 45.—Repairs to Temples at Madhugiri.

Messrs. S. Nanjayya Setty, Madhugiri Taluk; K. N. Siddaramasetty, Madhugiri Municipality.

MR. S. NANJAYYA SETTY represented that the big temples of Sree Venkataramanaswami and Sree Malleswaraswami in the Madhugiri town were leaking during the rains, that it was not possible for the towns-people to keep them in good repairs, and that, if the repairs were neglected, the temples were liable to come down. He therefore prayed that they might be got repaired early and the pay of the Archikas and the amount of *Padithara* and *Deeparadhane* for the said two temples enhanced.

THE DEWAN observed that that was a local subject, andthat Government would see if any help could be rendered.

No. 46.—Repairs to Temples at Pankajanahalli and Settikere.

Mr. S. Sivalingappa, Chiknaikanahalli Taluk.

MR. S. SIVALINGAPPA represented that the temples of Sri Yogamadhavaswami at Settikere and Sri Mallikarjuneswaraswami at Pankajanahalli were said to have been built during the time of King Chola and were classed as ancient monuments. It was therefore requested that arrangements be made to get them suitably repaired.

THE DEWAN enquired whether the temples had any balances to their credit. On the member replying in the affirmative, he was asked to send up concrete proposals to Government which would receive due consideration.

No. 47.—Admission of all communities to the Sukhanasi chamber of all temples.

Mr. K. V. Veeranna, Chamarajanagar Taluk.

MR. K. V. VEERANNA represented that the present restriction of admitting people of only one caste to the Sukhanasi chamber of temples might be removed and people of all castes allowed admission to such parts.

THE DEWAN observed that the practice was governed by *mamool* and that it was not possible to enforce compulsion in religious matters.

No. 48.—Prevention by legislation of the eating of dead cattle by Adikarnatakas.

Mr. Kulume Chikkanna, Minority Interest, Tumkur.

It is prayed that the eating of dead cattle by Adikarnatakas may be prevented by legislation as they suffer from contagious diseases by eating carcasses of diseased cattle and as there is every likelihood of spreading such disease also.

Withdrawn at the request of the mover.

No. 49.—Restriction to lend money at exorbitant rate of interest.

Mr. P. S Nanjappa, Chitaldrug Taluk.

In the absence of the mover, MR. G. CHANNAPPA represented that money lenders were levying interest at rates ranging from 1 to 5 per cent per mensem. Raiyats were becoming impoverished by borrowing money at such high rates both for their maintenance as well as for the agricultural operations. He therefore prayed that a Regulation might be passed limiting the rate of interest to 12 annas per cent per mensem and that the courts might also be authorised to pass decrees allowing the rate of interest at 9 per cent per annum.

THE FIRST MEMBER OF COUNCIL pointed out that it

would be very difficult to enforce the proposed legislation as there were any number of ways of evading it. He said he knew of cases where people used to execute bonds for Rs. 100 while actually receiving only Rs. 50 in cash from the creditors.

MESSRS. B. S. PUTTASWAMI and G. CHANNAPPA while agreeing with the observations of the First Member of Council pointed out that the percentage of interest fixed in the Usurious Loans Regulation, IX of 1923, *viz.*, 24 per cent was very high and requested the same to be reduced to 12 per cent. They expected the public opinion to get more and more enlightened and favour the proposed legislation.

THE DEWAN said that the proposal was not feasible.

No. 50.—Amendment of the Breach of Contract Act.

Mr. Dyavappa Gowda, Belur Taluk.

MR. DYAPPA GOWDA explained that, according to the Breach of Contract Act, advance to a *Maistry* to procure coolies might be given to the extent of Rs. 300 on a document and Rs. 15 on oral contract. As in practice larger amounts to the extent of Rs. 3,000 to Rs. 4,000 had to be advanced, it was prayed that the Act might be so amended as to include higher advances up to the limit of Rs. 3,000 to Rs. 4,000.

MR. B. P. BASAPPA SETTY added that that step was necessary because the Maistry was required to bring 300 to 400 people at a time, and prayed that the necessary legislation might be passed with a view to protect the interests of the planters who had to engage the services of Maistries coming from the South Canara District.

THE FIRST MEMBER OF COUNCIL pointed out that that was a very undesirable Act which had been abolished elsewhere. While people were putting up a fight everywhere to rescind this law, he was surprised at the view-point of the mover. This Act was not in operation either in Coorg or Nilgiris where there were large plantations. The better thing would be not to advance large sums of money like that.

THE DEWAN observed that action on the proposed lines could not be taken.

No. 51.—Legislation *re.* Interest on Capital.

Mr. Rangaswami Setty, Magadi Municipality; Mr. Y. K. Chennaveerappa, Devanhalli Muncipality.

MR. RANGASWAMY SETTY prayed that it might be legislated that in all monetary transactions interest on the

capital, whether in kind or in the shape of coin, shall not exceed 12 per cent.

THE THIRD MEMBER OF COUNCIL said that it was not possible to legislate in the matter as it would be difficult to enforce it.

MR. CHANNAPPA represented that under existing practice the courts were governed by case law in granting interest and that it should be fixed by legislation.

THE FIRST MEMBER OF COUNCIL explained that there were any number of ways of evading the legislation if it was enacted.

MESSRS. K. A. IBRAHIM and Y. K. CHENNAVEERAPPA represented the various difficulties to which the debtor was subjected by the Multanese and said that relief was urgently called for.

THE LAW SECRETARY TO GOVERNMENT explained that the rates of interest varied from place to place and according to the circumstances of each case. It was always possible to procure money at a low rate of interest if the security for the loan was good ; and when there was no chance of getting back the money, usually a very high rate of interest was charged and sometimes recovered before the loan was advanced. Legislation of the kind suggested would therefore be an undue interference with the freedom of contract.

ANOTHER MEMBER opposed the representation on the ground that it would tend to further contraction of credit. He did not see any objection why a merchant, who was making a profit of Rs. 10 within a few hours with the aid of the borrowed money, should not pay Rs. 4 to the moneylender.

THE DEWAN replied that action as suggested was not possible.

No. 52 —Establishment of a Sub-Court at Hassan.

Mr. A. Narayana Iyengar, Hassan Taluk.

MR. A. NARAYANA IYENGAR represented that a subcourt might be established in Hassan with civil jurisdiction over the revenue district and also to try all the sessions cases which were triable by an Assistant Sessions Judge in the same district as, under the existing conditions, the local Munsiff's Court had no jurisdiction over cases beyond Rs. 2,500 in value. He said that for all suits exceeding Rs. 2,500 in value and for succession certificates, the parties had to go all the way to Mysore and if they happened to be

contested, the cost to the parties would be very heavy. The work in the Mysore courts was already heavy and with the cases from Hassan it would become heavier leading to the Hassan cases being delayed considerably. It was about 1907 that Government found that there was no necessity for a separate sub-court at Hassan, and the then existing court was in consequence replaced by the Munsiff's court. But since that time conditions had changed and the Munsiff was overworked. Hence the need for a sub-court.

In reply to the Second Member's remark that there might not be sufficient work there for a sub-court, Mr. Narayana Iyengar said that in that case the territorial jurisdiction of the sub-court might be enlarged and the sub-judge empowered to hear appeals within his pecuniary jurisdiction. He could deal with cases under the Guardian and Wards Regulation arising in the district and also Succession Certificates Regulation. In addition, he could dispose of all small cause cases. He was sure that such a court would be paying its own way and the proposal would be favoured by the High Court. Finally, he prayed that either the Sub-Court of Mysore might be transferred to Hassan or a new sub-court established therein.

THE DEWAN promised to refer the representation to the High Court.

No. 53.—Establishment of Itinerant Second Class Magistrates' Courts in the State.

Mr. A. Narayana Iyengar, Hassan Taluk.

MR. A. NARAYANA IYENGAR represented that itinerant Second Class Magistrates' Courts (like that of Saklespur) with jurisdiction over every two or three taluks in the State might be established.

He said that experience showed that it was difficult to get the services of educated men to work as Magistrates excepting perhaps in the cities of Bangalore and Mysore. In other places, it was usual to appoint big merchants and zemindars for such posts and they had scarcely any time to do justice to those appointments. Government also had no hold on them since they were all honorary workers. The experiment tried in the Hassan District by the establishment of an Itinerant Second Class Magistrate's Court for the use of the two taluks of Saklespur and Belur having proved a success, he prayed for the opening of such courts in other places also.

MR. B. SRINIVASIENGAR of Anekal represented that

under the present practice, the Itinerant Magistrates were given only second and third class powers and as such wherever there were First Class Magistrates, first class powers might be delegated to them so that they might try such cases as well. Otherwise, they might not have enough work. If this was done, he said, it would save a lot of trouble to the litigants. In this connection he referred specially to the inconvenience caused in the Second Class Magistrate's Court at Bangalore.

THE SECOND MEMBER OF COUNCIL said that necessary enquiries would be made.

As regards the scheme of itineration, he said that it was being extended to places wherever possible.

Nos. 54 and 55.—Reduction of Court Fee in civil suits.

Messrs. Malkappa, Jagalur Taluk; G. Thammanna, Challakere Taluk; P. S. Nanjappa, Chitaldrug Taluk; Bhaskarappa, Srinivaspur Taluk.

MR. MALKAPPA prayed that the levy of court fee in civil courts might be reduced from Rs. 10 to Rs 7-8-0 per cent as it would be a heavy charge on the borrower.

MESSRS. G. CHANNAPPA and H. C. DASAPPA pointed out that this subject was brought up at the last Budget Session also when Government stated that the question would be favourably considered.

THE SECOND MEMBER OF COUNCIL observed that the question was examined and it was ascertained that the loss on this account would be very much. As the Mysore rates compared very favourably with those in Madras, it was considered inexpedient to reduce the rates. Besides, there was a general outcry for the establishment of additional courts, which would mean extra expenditure.

MR. BANDIAH pointed out that if additional courts were established, there would be additional income to pay for their cost.

THE LAW SECRETARY TO GOVERNMENT said that that impression was wrong. Establishment of additional courts involved very great expenditure to Government and if the court fee was also reduced, it would certainly be difficult to establish more courts.

MR. A. NARAYANA IYENGAR said that the income from courts had resulted in a surplus profit of over Rs. 4 lakhs to Government and by reducing the court fee as proposed, Government would not incur any loss.

THE SECOND MEMBER OF COUNCIL pointed out that

that view was incorrect. The amount mentioned in the budget under the Judicial Department was not all that was incurred on courts. There were other expenses connected with the pension of the staff, buildings, etc., which were indicated under a separate part of the budget. If all this expenditure was included, it would be found that there was no profit.

MR. G. CHANNAPPA pointed out that in Madras the rate of court fee was less.

THE SECOND MEMBER OF COUNCIL said that Government had ascertained the particulars and found that the information of the member was not correct.

MR. H. C. DASAPPA referred to the remarks made by him in the last session of the Legislative Council in the course of which he had shown how Government would not lose any money. The parties appearing on the small cause side were ordinarily very poor and their money would be spent entirely on the court fee alone. He also pointed out that, in the course of the discussion in the Legislative Council, he said that what was spent on the criminal courts was made up by receipts from civil courts, and that whereupon Government had promised that they would consider the question sympathetically.

THE SECOND MEMBER OF COUNCIL explained that the calculation made by the member was not correct as the direct expenditure was not the only expenditure incurred by Government in connection with the civil courts, but that there was plenty of other expenditure besides. All that expenditure should legitimately come from the court fee alone.

MR. H. C. DASAPPA enquired why all these indirect charges should be met from the income of the civil courts alone. The income from the court fee was in his opinion a kind of remuneration for the services rendered by the judicial courts. He thought that the Madras rate might be adopted in Mysore.

THE SECOND MEMBER OF COUNCIL observed that the average scale of court fees in Madras was much higher than in Mysore, and that it would not be fair that Government should be asked to adopt only what was advantageous to Mysore and leave out what was unfavourable.

LOKAHITAISHI H. NANJUNDARAJ URS observed that the court fee in Mysore was enhanced at a time when the trade was very prosperous and that the same rate could not be continued even when there was a general trade depression. The cost of food-stuffs had gone down materially and it was

difficult for the raiyats to get any income from their lands. While such was the case, litigation in Mysore involved a lot of delay. Before he could get justice, the raiyat had to go from the lowest to the highest court in several cases and the suits were being unduly delayed at every stage. He therefore said that the rate of court fees might be fixed at the previous level. He also said that the average period taken by the judicial officers in Mysore in the disposal of cases was much longer than that in Madras in spite of the fact that the territorial jurisdiction of each judge was much smaller here than in Madras.

THE LAW SECRETARY TO GOVERNMENT pointed out that the judiciary in Madras enjoyed better facilities in every respect. The Government there had given power to the High Court to appoint additional munsiffs whenever there was an increase in the number of suits over a certain limit fixed by them. Thus the judges there were not required to over-work themselves and additional judges were appointed whenever there was need.

LOKAHITAISHI H. NANJUNDARAJ URS enquired why the same thing should not be done here. He remarked that during recent years there had been increase in the courts only but that the disposal of cases had not been accelerated. The more the delay the greater was the expense to which the clientele was subjected.

THE LAW SECRETARY TO GOVERNMENT said that the entire blame for the laws' delays was not to be laid at the door of the courts since more often than not the parties themselves contributed to it by presenting petitions for revisions, etc. In this connection, the Law Secretary quoted from the report of the Laws Delays' Committee to prove that the disposal of cases in Mysore was not inferior to what was obtaining in Madras. He said that the European Chief Judge of Mysore who had considerable experience of the judicial work in British India had himself left it on record that the work of the Munsiffs in Mysore was in no way inferior to that in British India either in point of quantity or quality, though in point of pay and prospects they were in a disadvantageous position. Because, while a Munsiff in Madras educated in the same college was given a start of Rs. 300 in grade Rs. 300-40-500-50-600, in Mysore he had to be content with a starting salary of Rs. 150 rising to 450 after a long number of years of service though the qualification of both was the same. But in Mysore more Munsiffs' Courts could not be established on financial considerations.

DHARMAPRAKASA D. BANUMIAH said that if Government would see to it that the rate of fees was reduced to the old level and cases get disposed of within 2 or 3 hearings, the people would be satisfied.

THE DEWAN said that the matter would be re-examined although he did not think that there was any likelihood of a reduction of court fees.

No. 56.—Restriction in the matter of levying Process Fee for service of Summons.

Messrs. K. M Nagiah, Davangere Municipality; G. Mudegowdappa, Davangere Taluk.

MR. K. M. NAGIAH represented that in civil litigation the clients be asked to pay process fee for services of summonses, notices and warrants only if they were effectively served.

THE DEWAN observed that it was not feasible to adopt the suggestion.

MR. B. S. PUTTASWAMY represented that according to the system in vogue in Bombay if the party paid one rupee on account of the process fee, any number of processes could be issued until they were actually served; while in Mysore fresh fee had to be paid for the issue of every new process. He thought that the Bombay practice might with advantage be adopted in Mysore.

THE LAW SECRETARY TO GOVERNMENT promised that the practice in Bombay would be examined.

No. 57.—Grant of Allowance to Jurors and Assessors.

Mr. K. Ramiah Setty, Hosdurga Taluk.

It was prayed that Jurors and Assessors be paid an allowance whenever they were asked to attend trials in Sessions Courts.

THE SECOND MEMBER OF COUNCIL said that a daily allowance of Rs. 2 had been sanctioned with effect from 1st July 1930 for all jurors and assessors for the days of their service as such.

No. 58.—Appointment of Munsiff-Magistrates at Koppa, Tarikere, Mudigere and Chikmagalur.

Messrs. Bagamane Deva Gowda and B. P. Basappa Setty, Chikmagalur Taluk; Mande Patel Manje Gowda and M. Hutchegowda, Mudigere Taluk; K. Thimmegowda and Doddamane Halappa, Kadur Taluk; C. Subbana Naik, Koppa Taluk; Settara Siddappa, Tarikere Taluk; M. Abdul Aziz, Chikmagalur Municipality; Ramappa Gowda, Chikmagalur Taluk; Aramballi Putte Gowda, Narasimharajapura Sub-Taluk.

MR. BAGAMANE DEVA GOWDA prayed that instead of two Special Magistrates' Courts and two Munsiffs' Courts now established in the Kadur District, four Munsiff-Magistrates' courts—one at Koppa, one at Tarikere, one at Mudigere and one at Chikmagalur—might be established as this arrangement would alleviate the difficulties felt by the litigant public at present. At present the First Class Magistrate stationed at Chikmagalur had to try all first class cases arising in the district in addition to the second and third class cases of Chikmagalur and Mudigere. This gave that court too much work, in addition to causing very great inconvenience to people having to travel 60 miles or more in order to reach the first class court. He therefore requested that the representation might be accepted by Government. He also thought that the Munsiff's Court at Narasimharajapura might be transferred to Koppa.

THE SECOND MEMBER OF COUNCIL said that the Deputy Commissioner had proposed the location of a second class court at Chikmagalur.

MR. BAGAMANE DEVA GOWDA replied that it might not help the people very much.

THE SECOND MEMBER OF COUNCIL said that the representation would be referred to the High Court.

MR. BAGAMANE DEVA GOWDA also suggested that the First Class Magistrate might be invested with civil powers also as Sub-Judge. By this arrangement he thought that much of the congestion in the Shimoga Sub-Judge's Court would be relieved.

THE SECOND MEMBER OF COUNCIL said that the suggestion would be noted.

No. 59.—Location of either a Munsiff's Court or a Munsiff-Magistrate's Court at Chamarajanagar.

Messrs. S. Venkatasubba Setty, Chamarajanagar Municipality; K. V. Veeranna, Chamarajanagar Taluk.

MR. K. V. VEERANNA represented that there was much litigation in the Chamarajanagar Taluk. There were 7 joint stock companies. Nearly half the number of cases on the file of the Munsiff at Nanjangud related to this taluk. He, therefore, prayed that a Munsiff's Court might be located at Chamarajanagar having jurisdiction over Chamarajanagar and Yelandur Taluks or at least a Munsiff-Magistrate's Court might be located therein.

MR. BANDIAH of Nanjangud also supported the above request.

THE SECOND MEMBER OF COUNCIL explained that the question had been referred to the High Court and that their reply was that since an additional Munsiff's Court had been given to Nanjangud quite recently, the experiment might be tried for one year before effecting any change. He, however, promised that the representation would be referred to the High Court again.

No. 60.—Establishment of a Munsiff-Magistrate's Court at Sorab.

Mr. K. Holeyappa, Sorab Taluk.

It is prayed that a Munsiff-Magistrate's Court be established at Sorab.

This subject was not taken up as the mover was absent.

No. 61—Munsiff-Magistrate's Court for each taluk.

Mr. A. Linge Gowda, Krishnarajpet Taluk.

MR. A. LINGE GOWDA represented that the jurisdiction of Special Magistrates' Courts extended to two or three taluks, that the system of Itinerant Magistrates was not useful to the public and that it was also costly to Government. He, therefore, requested that a Munsiff-Magistrates' Court might be established for each taluk.

THE SECOND MEMBER OF COUNCIL observed that there would not be enough work for the Munsiff-Magistrate if one court was given to each taluk.

MR. LINGE GOWDA said that it could be done wherever there was need. A large number of people represented that it was a real inconvenience at present and that a Munsiff Magistrate should be appointed for each taluk. They also said that at present they had to take their counsel from the headquarters at great expense and that this would be obviated if a separate Munsiff-Magistrate were given.

THE DEWAN said that the general question was under the consideration of the High Court.

At this stage, the Assembly adjourned for lunch and re-assembled at 3-30 P.M.

No. 62.—Establishment of Munsiff-Magistrates' Courts in all the taluks of the State.

Messrs. Balegowda, Kunigal Taluk; Sorappa, Sira Taluk; and Sanna Gundappa, Kunigal Taluk.

It was prayed that Munsiff-Magistrates' Courts might be established in all the taluks in the State.

No. 63.—Establishment of the Courts of a Munsiff and a Magistrate for every two taluks.

Messrs. S. I. Mumtaz, Channapatna Municipality; Rangaswami Setty, Magadi Municipality.

It was prayed that the existing Bench Courts in the State might be abolished and one Munsiff and one Magistrate appointed for every two taluks.

MR. RANGASWAMY SETTY said that although representations had been made repeatedly to Government to abolish the Bench Courts and establish Munsiff-Magistrates' Courts in their stead, no action had been taken by Government so far. He therefore prayed for necessary action being taken at least now.

MR. H. K. MADAIYA of Malvalli supported the above views and added that a Munsiff-Magistrate Court might be established at Malvalli as there were a large number of civil and criminal cases in that taluk.

THE SECOND MEMBER OF COUNCIL replied that Government did not say that they would abolish every Bench Court. He also pointed out that if Munsiff-Magistrates' Courts were established as prayed for, there would be the inconvenience of most cases having to be tried *de novo* as a Munsiff might be transferred to some other place after the long vacation and the new Munsiff-Magistrate would have to try the cases left by his predecessor *de novo*.

MR. RANGASWAMI SETTY replied that the chief difficulty experienced by the litigant public was that long adjournments were given by the Magistrates in most cases they being not less than 2 months, and thus the vacation of 2 months would not in any way itself act as inconvenience to them.

MR. KULLE GOWDA also pressed for the establishment of Munsiff-Magistrate's Courts in all taluks, as at present, even for 10 years cases would not be disposed of in most civil courts. He wondered whether there was no time limit at all in the disposal of cases. As an instance, he pointed out that in the Munsiff Court at Seringapatam there were several cases pending for over 10 years.

MR. M. S. LINGE GOWDA referring to the Law Secretary's statement that the work done in Mysore Courts was not much behind that in British India, said that while the disposals there were much quicker, it was not so in Mysore. He thought that some arrangement should be made by which cases would be disposed of as expeditiously as possible.

MR. VENKATASWAMI GOWDA of Malur did not agree to the increase in the number of courts for the reason that if the number increased, the raiyats would be engaged in law suits almost all the year round.

THE DEWAN said that it was not possible at present to establish Munsiff–Magistrate's Courts in all places. Government had established them in some places and how they worked had to be watched.

No. 64.—The speedy disposal of old civil cases.

Messrs. Bagamane Deva Gowda and B. P. Basappa Setty, Chikmagalur Taluk ; Mande Patel Manje Gowda and M. Hutche Gowda, Mudigere Taluk; K. Thimmegowda and Doddamane Halappa, Kadur Taluk ; C. Subbanna Naik, Koppa Taluk ; Settara Siddappa, Tarikere Taluk ; M. Abdul Aziz, Chikmagalur Municipality ; Ramappa Gowda, Chikmagalur Taluk ; Arambaili Putte Gowda, Narasimharajapura Sub-Taluk.

It was prayed that in order to dispose of the old civil cases pending over three years, orders might be issued to dispose of one of such cases within a week or a fortnight at least, and to give special attention to old and contested cases by having a list of the same.

MR. BAGAMANE DEVA GOWDA brought to notice that there were a number of cases pending for more than 6 years. He did not know how the object of the institution of suits would be fulfilled, if there were such laws' delays. Further, the parties would be put to a lot of inconvenience by long adjournments and by the time another hearing came, some of them would have died. He therefore suggested that a list of all old cases pending for more than 3 years might be made by the High Court and necessary instructions issued by them to see that they were disposed of as speedily as possible.

MR. MIR MAHOMED observed that in Shimoga District there were some original suits pending for over 10 years and those cases included those belonging to the Kadur District also.

MESSRS. KRISHNAMURTHIACHAR and M. S. LINGE GOWDA said that adjournments were very often given for six months at a time with the result that no case could be disposed of within a space of even a few years. They thought that strict instructions should issue that no adjournment should be given for more than a month.

MR. H. C. DASAPPA was of opinion that it was the present judicial system that was responsible for the delay in the disposal of cases rather than the paucity of courts. He thought that it would be better if solicitors were appointed to assist judges as in vogue elsewhere.

THE DEWAN said that Government would consult the High Court in regard to the enforcement of provisions in the law relating to the speedy disposal of cases.

No. 65.—Giving prospective effect to the amended Regulations and High Court decisions.

Dharmapravartha M. L. Nagappa Setty, Special Interest.

It was prayed that lower courts be directed not to give retrospective effect to those of the amended Regulations and of the High Court decisions.

The subject was passed over as the mover was absent.

No. 66.—Abolition of Bench Courts.

Messrs. Abdul Gaffoor Sab, Sidlaghatta Municipality and H. Krishnamurtiachar, Mulbagal Taluk.

MR. H. KRISHNAMURTIACHAR represented that as the Bench Courts in Kolar District were not of much use to the public, they might be abolished and Special Magistrates appointed, one for every two taluks.

THE SECOND MEMBER OF COUNCIL enquired whether the Bench Magistrates were unfit to decide even petty cases and whether there was such a dearth of enlightened public-spirited men in the taluks.

MR. RAMALINGAM SETTY was of opinion that the tenure of the posts of the Bench Magistrates should at least be 6 months instead of 3 months as at present. By that he thought that a number of cases could be decided.

THE SECOND MEMBER OF COUNCIL said that it could be done.

MR. RAMALINGAM SETTY next said that another cause for the slackness of work in the Bench Courts was that non-residents of the places were very often appointed as Bench Magistrates. He suggested that as far as possible townsmen alone should be appointed for such Benches.

THE SECOND MEMBER OF COUNCIL said that it could be considered.

MR. V. V. IYER thought that necessary arrangements should be made to see that the work was done whether residents or non-residents were appointed as Bench Magistrates.

MR. J. MAHOMED IMAM pointed out that the reason for the non-disposal of cases was that practically there would be no continuous sittings of the Magistrates and that a rule was therefore necessary to enforce their strict sittings. In this regard, he suggested that, if a Bench Magistrate absented himself continuously for 3 sittings, he should be deemed to have resigned.

THE SECOND MEMBER OF COUNCIL said that the question would be considered.

MR. ANEKAL SRINIVASAIENGAR said that District Magistrates should particularly note during their inspection whether the Bench Magistrates attended the courts at all and at the appointed time.

THE SECOND MEMBER OF COUNCIL said that the attention of District Magistrates would be drawn to that matter.

MR. VENKATASWAMY GOWDA suggested that Bench Court work might be entrusted to Village Panchayets.

LOKAHITHAISHI NANJUNDARAJ URS said that the Bench Courts did not realise any responsibility at all. They made the parties wait inordinately till evening of the day. He also thought that District Magistrates did not supervise the work of Bench Courts at all. Instead of the quick disposal of cases, there were for the most part long adjournments with the result that the parties had no speedy justice. He therefore thought that there was no necessity for the Bench Courts.

THE SECOND MEMBER OF COUNCIL said that District Magistrates would be asked to select people who were fit to serve as Bench Magistrates.

MR. A. NARAYANA IYENGAR said that the people selected to the Benches were generally retired clerks and that the land-owners were not generally chosen. He thought that minor retired officials would not command the necessary respect from the people.

MR. ABDUL AZIZ observed that the Bench Courts failed not so much for dearth of men but for certain other weighty reasons. For instance, summonses were not generally served. The policemen did not attend the courts and very often the prosecutors themselves did not attend. It was true that Magistrates also did not attend the courts, but the remedy for that was to select proper kind of men.

MR. SUBBANNA NAIK also said that at a time when public-spirited men were coming forward to shoulder more responsibilities of Government, it was not right to say that Bench Courts should be abolished. On the other hand, he was of opinion that wherever the Bench Courts were not working properly, steps should be taken to improve them.

No. 67.—Investing the Patels with the powers of a Third Class Magistrate.

Messrs. G. P. Rangappa and Patel Eswarappa, Honnali Taluk.

MR. G. P. RANGAPPA prayed that the Patels might be invested with the powers of a Third Class Magistrate.

MR. SUBBANNA NAIK said that the Patel was always known as the Village Magistrate and that latterly there were a large number of educated Patels available. He thought that Patels being local men can know the local affairs better and could deal out justice impartially. He therefore supported the representation and requested Government to give such powers at least in suitable cases.

A large number of members were against the proposal.

THE SECOND MEMBER OF COUNCIL replied that Government did not propose at present to invest Patels with third class powers.

No. 68.—Transfer of Civil Court jurisdiction.

Mr. A. Linge Gowda, Krishnarajpet Taluk.

MR. LINGE GOWDA requested that the civil jurisdiction over (1) Heggadadevankote be transferred to the Second Munsiff's Court at Mysore, and (2) over Akkihebbal Hobli to the Munsiff's Court at Hole-Narsipur as before or to the Second Munsiff's Court at Mysore. This arrangement was proposed as there was not enough work to the Munsiffs of Hole-Narsipur, Seringapatam and Hunsur Taluks, and as the public were put to much inconvenience under the present arrangement.

A MEMBER from Yedatore also said that Hunsur Court might be located at Yedatore, as it would serve not only Yedatore but also Hunsur and Heggadadevankote Taluks.

MR. RAJAGOPAL MUDALIAR opposed the transfer of the Munsiff Court from Hunsur. He said that the court should remain there alone as heretofore.

THE SECOND MEMBER OF COUNCIL said that Government were awaiting proposals from the High Court.

No. 69.—Serial number of the Warrant may be mentioned on each Warrant in all Execution cases of Civil Courts.

Messrs. D. S. Mallappa, M. Basaviah, Tiptur Taluk; and K. K. Mallappa, Tiptur Municipality.

It was suggested that in all execution cases of civil courts the serial number of the warrant be mentioned on each warrant even though the warrant was issued as a result of renewed application.

Not discussed as the movers were absent.

No. 70.—Civil Court decrees in the case of Mahomedan judgment-debtors.

Mr. Ibrahim Khan, Minority Interest, Kirgaval.

MR. IBRAHIM KHAN represented that it was usual for the Civil Courts to grant decrees for the principal amount plus a maximum interest equal to the amount of the principal. But in the case of the Mahomedans, interest was allowed even though it exceeded the principal. He therefore prayed that this practice might be put a stop to. He added that in a certain case in which a Mahomedan was the judgment-debtor for a principal of about Rs. 150, the Court had given a decree for Rs. 250 as interest. Such a thing like that certainly worked as a great hardship on Mahomedan judgment-debtors. He did not know why a law applicable to the Hindus should not apply to the Mahomedans also.

MR. B. S. PUTTASWAMY, who followed, said that the law of *damdupat* was at present applicable only to the Hindus. That law was not generally applied in all cases but some courts did apply it. The speaker thought that special legislation should be undertaken and brought up before the next Assembly to make it applicable to the Mahomedans also.

MESSRS. J. MAHOMED IMAM and MIR MAHOMED thought that the amendment of the law would be useful for the Mahomedans.

THE DEWAN said that the High Court would be consulted.

No. 71.—Visitors' Committees for Lock-ups.

Mr. S. C. Mallaiya, Mandya Taluk.

It was requested that a Visitors' Committee consisting of respectable citizens of the place may be formed for every lock-up.

In the absence of Mr. S. C. Mallaiya, MR. H. K. MADAIYA of Malvalli moved the subject and said that a beginning might be made with the Malvalli Taluk Lock-up.

THE SECOND MEMBER OF COUNCIL observed that the number of prisoners usually confined in the Taluk Lock-ups was very small and did not justify the appointment of visitors to them. Moreover, it was not possible to get suitable persons to serve on the committees.

MR. H. K. MADAIYA said that even if there had been one or two prisoners, it was worth while appointing a committee.

THE SECOND MEMBER OF COUNCIL said that non-official visitors had been appointed for the jails at Mysore and Bangalore only. He however added that Government

would consider the question of appointing committees for the District Lock-ups only in the first instance and watch how the arrangement would work. That system however was not in vogue anywhere else.

CAPT. Y. V. AYYA enquired what the object was in forming Visitors' Committees for the lock-ups.

Some MEMBERS replied that there were very many advantages which need not be mentioned in the House.

MR. VENKATAVARADACHAR did not think that the committees could be appointed for Police Lock-ups for various reasons.

MR. MIR MAHOMED said that it should be specially made applicable to Police Lock-ups.

THE SECOND MEMBER OF COUNCIL replied that Police Lock-ups could not be included.

No. 72.—Repeal of Section 39 of the Mysore Police Regulation.

Messrs. Hosakoppa Krishna Rao, Koppa Taluk ; K. T. Satyanarayana Setty, Kadur Taluk, M. S. Dyave Gowda, Koppa Taluk ; Mande Patel Manje Gowda, Mudgere Taluk and M. Abdul Aziz, Chikmagalur Municipality.

It was prayed that Section 39 of the Mysore Police Regulation be repealed and that Sections 45 and 47 of the same be so amended as to render it applicable only to processions passing with music in public streets.

Not discussed as the movers were absent.

No. 73.—Grant of Gun Licenses to Hissedars and Shikmidars.

Mr. Mande Patel Manje Gowda, Mudgere Taluk.

It was prayed that the Hissedars and Shikmidars might be granted gun licenses as in the case of Khatedars.

Not discussed as the mover was absent.

No. 74.—Exemption from License for arms to Representative Assembly Members of over 10 years' standing.

Mr. Belur Srinivasa Iyengar, Bangalore Taluk.

It was prayed that exemption from license for arms for self-protection might be given to persons who had served for over ten years as Representative Assembly Members'

MR. J. MAHOMED IMAM, moving on behalf of Mr. Belur Srinivasa Iyengar, observed that in Mysore the provisions of the Arms Regulation were being enforced strictly and that the grant of license even for self-protection was denied to people applying for the same. He did not think that any harm would come if respectable citizens were

granted licenses for their own self-protection. He thought that at least the Assembly members might be exempted from the operation of the Arms Regulation in the same way as the Patels were exempted.

THE SECOND MEMBER OF COUNCIL said that members of the Assembly were exempt so long as they continued as members.

MR. J. MAHOMED IMAM enquired whether after a member ceased to be as such, he became unworthy of being exempted. He thought that the honour should be conferred on such of them as had been members for 10 years.

MR. M. C. LINGE GOWDA and some other members said that there was no use granting exemption to such members because it gave them no advantage in their old age. If, on the other hand, it was given to people young enough, it would certainly be appreciated.

MR. L. VEMA REDDY said that in these days of education, no member was confident that he would continue to be a member of the Representative Assembly even for 10 years. If the Government were in favour of giving some concession to the members of the Assembly, at least such members of 12 years' standing should be given exemption. Otherwise, he thought that the exemption might be taken away once for all.

Some other Members were for the reduction of the period to 10 years instead of 12 years.

MR. H. K. MADAIYA said that if exemption could not be given to all members permanently, it might at least be given to those of 9 years' standing, as the return of a member for three *triennium*s successively was a sure indication of his respectability and popularity.

MR. M. S. LINGE GOWDA also did not think that there was any use in granting exemption to members of 20 years' standing.

THE SECOND MEMBER OF COUNCIL observed that even that rule had now been abrogated and that the members at present got exemption only during the tenure of their membership.

MR. SUBBANNA NAIK and some other members said that very recently Government had given exemption to two members of 20 years' standing and that the order had been published in the Gazette also. That showed that the original rule was still there.

MR. MIR MAHOMED brought to notice that like exemptions had been given recently to two members of the

Assembly, *viz.*, Messrs. Gurulingappa of Nyamathi and Kesaviah of Chickmagalur.

THE SECOND MEMBER OF COUNCIL replied that that fact had to be verified.

MR. J. MAHOMED IMAM thought that Government would not lose anything by granting the exemption.

MESSRS. VENKATASWAMI GOWDA, K. A. RAHIM and MARIAPPA pleaded for the grant of permanent exemption to the members of the Representative Assembly.

MR. M. C. LINGE GOWDA did not see why the concession so long enjoyed by the members should have been so suddenly taken away. He desired to know when the rule was altered and why there were two exceptions to that recently made.

THE FIRST MEMBER OF COUNCIL replied that the exemption was restricted to members of 20 years' standing in the order of 1918, that when the rules were revised in 1926 the list of exemptions was considerably curtailed and that so far as the Representative Assembly Members were concerned, it was decided that the privilege already given to members of 20 years' standing should continue but that it should not apply in future.

THE DEWAN said that it was not possible to accept the proposal as it was necessary to reduce the list of exemptions.

Before the concluding remarks, the Dewan referred to the disaster that befell the Airship R. 101 resulting in the loss of lives of several persons including Lord Thomson, the Air Minister. At his request, the members of the Assembly stood up in silence to show their sympathy.

THE DEWAN read the Kannada version of the following concluding remarks:—

DEWAN'S CONCLUDING REMARKS.

LADIES AND GENTLEMEN,

We have now come to the close of this session and before concluding it, I shall make a few observations.

Legislation.

The general principles of five legislative measures were placed before the Assembly, and all of them were approved

except two sub-divisions of one of them. Three of these measures are of considerable importance. Our present law relating to the protection of Copyright is antiquated and the principles of the amending Bill which aims at bringing it up-to-date were passed without any dissent. The need for exercising control in regard to the sale of medicines has long been felt and the Bill designed to protect the public against the danger of medicines being sold by unqualified persons received the unanimous assent of the House. Another measure of far-reaching importance is the law relating to the registration of Medical Practitioners and its principles also received the full support of the Assembly.

Representations.

We had nearly two hundred representations to consider and it was not possible to deal with more than about a third of this number. In view of their importance, the consideration of some of the representations discussed, especially those relating to Land Revenue matters, occupied much time as a large number of members participated in their discussion.

I might refer to a few of the more important subjects discussed. It was represented that there were some doubts in regard to the nature of the crop with reference to which remission of wet assessment on tank-irrigated lands should be regulated. This matter will be considered and early steps taken to remove the doubts felt in the interpretation and application of standing orders on this subject. There seems to be some misconception in regard to the scope of the restriction regarding the building of houses on agricultural lands and action will be taken to clarify the position and to afford whatever facilities are possible for the construction of houses on such lands. The question of fees relating to Record of Rights was much debated and it was urged that the scale of fees levied in the case of dry lands required re-consideration. What re-adjustment of the scale of fees for lands of all kinds is possible will be examined consistently with the object that the whole operation in regard to the introduction of this measure is conducted so as to involve neither loss nor gain. The need for making the *Pahani* a more accurate record with the help of Village Panchayets was urged and we shall consider in what way the assistance of members of these Panchayets can be enlisted in this respect. The report of the committee appointed to consider the question whether

Shanbhogi offices should be hereditary or otherwise will soon be published.

The question of preventing the private manufacture of *Akkibhoja* will receive early consideration. As regards the registration of documents in sub-taluks, the Deputy Amildars will be, if the arrangement is permissable under the law, authorised to receive them during their tours and register them on their return to headquarters. The periodical inspection of jewels of Muzrai temples in the presence of Dharmadarsis will be arranged for.

The question of collection of arrears of water rate due for the four years from 1925-26 on lands under the Rajaparameswari Channel in the T.-Narsipur Taluk for the summer supply of water allowed to them, brought up as an adjournment motion, was permitted to be discussed as a representation. In view of the considerations urged for grant of relief, the rate for the first two years will be reduced from Rs. 2 to Rs. 1-8-0 per year per acre and that for the next two years to one-half the demand.

Resolutions.

As in the case of representations, only about a third of the resolutions could be discussed. The desirability of permitting District Boards to have their own engineering staffs was debated at great length. A committee consisting of non-officials and officials will be appointed to consider this question in all its aspects.

The lady members of the Assembly had tabled two resolutions and both were discussed. The first of them recommended the appointment of women for lecturing to women-folk in villages on matters relating to education, sanitation, public health and child-welfare. The Government appreciate the object of this proposal and will consider the question of giving effect to it as soon as the services of competent lady lecturers can be secured. The second resolution suggested the necessity of institutions for attending to child-welfare work. This is also a desirable measure and the Government will be prepared to make suitable grants to such institutions started with the support of the public.

On behalf of my colleagues and myself, I desire to convey our thanks to the members of the Assembly for the valuable help and co-operation they have extended to us in the conduct of the business of the session. I now wish you all good-bye and declare this session closed.

MR. B. S. PUTTASWAMY then rising congratulated the Dewan on his elevation to the Dewanship and offered the heartiest thanks of the Assembly to him for the cheerfulness with which he conducted the deliberations of the House for 7 days. On behalf of the House and of himself, he requested the Dewan to convey to His Highness the Maharaja sentiments of loyalty and devotion of the Members of the Assembly.

With three cheers to His Highness the Maharaja, the President and the Vice-Presidents of the Assembly, the session came to a close.

P. MAHADEVAYYA,

Ex-Officio *Secretary,*
Representative Assembly.

BANGALORE,
14th December 1930.